

REMARKS

Claims 1-6 and 17-20 are pending after this amendment.

Applicants have amended claims 1-4, 6, 17, and 19 in order to more particularly define the invention. The amendments were not necessitated by the claim rejections. Applicants make no admission as to the patentability or unpatentability of the originally filed claims.

Claims 7 to 16 have been canceled.

The amendments and remarks presented herein are in response to the Office Action dated May 14, 2008.

The Examiner objected to the specification. Paragraph [0001] has been amended to provide the serial number of a related case.

Restriction was required under 35 USC 121. Applicants have elected Group I, consisting of claims 1-6 and 17-20. Claims 7-16 are canceled herein. Applicants reserve the right to prosecute the canceled claims in a divisional application.

The Examiner objected to claims 1 and 2. Claims 1 and 2 have been amended to correct minor typographical errors.

The Examiner rejected claims 3, 4, 6, and 19 under 35 USC 112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claims 3 and 19 have been amended to delete the term “indefinite” and to clarify that the custom attribute is adapted to retain a value after the custom event has occurred.

Claim 4 has been amended to clarify that the custom attribute is the custom attribute associated with the custom event.

Claim 6 has been amended to clarify that the event to be tracked is the custom event to be tracked.

The Examiner rejected claims 1-6 and 17-20 under 35 USC 102 as allegedly being anticipated by Bean. This rejection is respectfully traversed.

Claim 1, as amended, recites:

“A method for customizing website traffic tracking data comprising the steps of:
inserting embedded tracking code in a web page containing a custom event to be tracked;
subsequently modifying the embedded tracking code to track the occurrence of the custom event to be tracked; and
configuring, via a user interface, a data collection server to receive the custom event to be tracked.”

The claimed method provides a method for customizing website traffic data. Embedded tracking code is inserted in a web page containing a custom event to be tracked. The embedded tracking code is subsequently modified to track the occurrence of the custom event. A data collection server is configured to receive the custom event to be tracked.

The claimed method thus provides a novel mechanism for tracking customized events and associated data with regard to consumer actions on a website. By modifying embedded tracking code to track the occurrence of a custom event, the claimed method provides improved flexibility in data collection and analysis. Unlike prior art systems described in the Background of the specification, the claimed method facilitates tracking of custom events and is not limited to predefined events. Furthermore, the claimed method allows for changes in the tracking code without having to contact a data collection server administrator. These features and advantages are made possible by the recited limitations of embedding tracking code containing a custom event to be tracked, and subsequently modifying the embedded tracking code.

Bean fails to teach or suggest the recited limitations. Bean describes a method for tracking and reporting traffic activity on a web site, including sampling the traffic so as to reduce the resources necessary to track and report web page traffic. However, Bean merely describes tracking of predefined events, and does not provide any mechanism for inserting tracking code containing a custom event. Furthermore,

Bean fails to teach any mechanism for modifying tracking code to track occurrence of a custom event.

The Examiner cited col. 1, lines 23-29 and col. 2, lines 50-54 of Bean as teaching inserting embedded tracking code in a web page containing a custom event to be tracked. However, the cited portion of Bean merely describes generating JavaScript code to be distributed to each subscriber to a service. The subscriber copies the code into each page to be monitored. Col. 2, lines 50-54 describe copying and pasting code into web pages. However, there is no hint or suggestion of the embedded tracking code containing a custom event. Since the JavaScript code is provided by the server and copied by the subscriber directly into each page being monitored, there is no opportunity in Bean for the code to be configured or modified to track a custom event.

In fact, Bean specifically teaches, “When a visitor from computer 14 (client node) loads one of the web pages having the embedded code therein, the code passes predetermined information from computer 14 to a server 20.” Col. 2, lines 54-57. (Emphasis added). By teaching the passing of predetermined information, Bean teaches away from the claimed invention’s recitation of custom event tracking.

Nowhere in Bean is there any mention of tracking of custom events according to the method claimed herein. In fact, Bean’s description of web visitation tracking is relatively equivalent to the prior art schemes discussed in the Background section of the present specification.

The Examiner cited col. 4, lines 22-46 as teaching modifying the embedded tracking code to track the occurrence of the custom event. The cited portion of Bean teaches the use of name-value pairs to transmit information stored in cookies. Bean describes the general operation of cookies, wherein a user visits a website for which cookies have previously been set on the user's machine. If a cookie file exists for the website being visited, the user's browser sends all of the name-value pairs in the cookie file to the website server. This is a well-known technique for the use of cookies to personalize a website experience and for tracking user visitation. It does not, however, relate in any way to the modification of embedded tracking code recited in claim 1.

In reference to col. 4, lines 22-46, the Examiner states, "name value pairs can be changed". However, the fact that name-value pairs can be changed does not in any way anticipate the recited element of claim 1. A change to a name-value pair is not equivalent to a change in embedded tracking code. In fact, Bean explicitly states, "A name-value pair is simply a named piece of data. It is not a program, and it cannot "do" anything. A web site can retrieve only the information that it has placed on the client node computer." Col. 4, lines 20-23. (Emphasis added). Bean correctly states that a name-value pair is not a program (i.e. it is not code of any type, including embedded tracking code). Therefore, any changes to name-value pairs cannot be considered to be equivalent to changing tracking code.

Since the recited limitations of claim 1 are not anticipated by Bean, Applicants respectfully request that the 102 rejection be withdrawn.

Claims 2-6 depend from claim 1 and incorporate the limitations discussed above. Claims 17-20 recite one or more computer readable storage devices having computer readable code embodied thereon, and include limitations similar to those discussed above in connection with claim 1.

Accordingly, claims 1-6 and 17-20 are hereby submitted to be patentable over Bean.

Support for the claim amendments can be found in the originally filed specification at, for example, paragraphs [0068] to [0070] and Fig. 4. No new matter has been added.

On the basis of the above amendments, consideration of this application and the early allowance of all claims herein are requested.

Should the Examiner wish to discuss the above amendments and remarks, or if the Examiner believes that for any reason direct contact with Applicant's representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,
Brett Error, et al.

Dated: December 1, 2008

By: / Amir H. Raubvogel/
Amir H. Raubvogel
Reg. No. 37,070
Raubvogel Law Office
820 Lakeview Way
Redwood City, CA 94062
Phone: (650) 209-4884
Fax: (650) 362-1800